

Date: \_\_\_\_\_ Docket No. 2130 040

Ser. No. CA 845,738

Applicant: Jackowski et al.

HONORABLE COMMISSIONER OF PATENTS & TRADEMARKS

Please acknowledge receipt of the following by stamping the date of receipt.

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PATENT RELATED

TRADEMARK RELATED

\_\_\_ Pat. Appl. (spec/claims/abstract)

\_\_\_ TM/Sm Appl. AU/ITU

\_\_\_ Pat Drawings \_\_\_ sheets \_\_\_ informal

\_\_\_ TM/SM Drawing sheet

\_\_\_ Pat. Trans./\_\_\_ Utility/\_\_\_ Design/\_\_\_ Fee Trans.

\_\_\_ TM/Sm Transmittal

\_\_\_ Pat. Decl/Power of Attorney

\_\_\_ TM Amend/Response

\_\_\_ Issue Fee Trans. (PTOL-85B)

\_\_\_ Statement of Use

\_\_\_ Pat. Extension \_\_\_ Mos.

\_\_\_ TM/SM Ext. \_\_\_ Mos.

\_\_\_ IDS & Form 1449

\_\_\_ Sec. 2.20 Decl/sub.specs.

\_\_\_ PCT Appl/Transmittal/Request

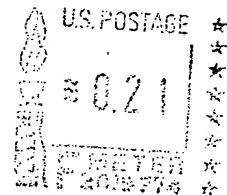
\_\_\_ Trademark Renewal

\_\_\_ Pat. Amendment/Response

\_\_\_ Sect. 8/15 Affidavit

\_\_\_ Maint.Fee Sub \_\_\_ Years / \_\_\_ Fee of \$ \_\_\_ Check No. \_\_\_\_\_

Other: TM/Supp Preliminary Amendment, Sequence  
list, Disclaimers



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APR 23 2002

TECHNOLOGY CENTER 1700

**McHale & Slavin, P.A.**  
ATTORNEYS AT LAW  
FIRST UNION CENTER  
SUITE 402, 4440 PGA BOULEVARD  
PALM BEACH GARDENS, FL 33410

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DATE:





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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICANT

: JACKOWSKI et al.

TECH CENTER 1600/2900

INVENTION:

: BIOPOLYMER MARKER INDICATIVE OF DISEASE  
STATE HAVING A MOLECULAR WEIGHT OF  
1562 DALTONS

SERIAL NUMBER

: 09/845,738

FILING DATE

: April 30, 2001

EXAMINER:

: Cook, Lisa V.

GROUP ART UNIT

: 1743

ATTORNEY DOCKET NO.

: 2132.040

RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS

CERTIFICATE UNDER 37 CFR 1.8(a)

I hereby certify that this correspondence is being  
deposited with the U.S. Postal Service as First Class mail  
in an envelope addressed to Commissioner for  
Patents, Washington, D.C. 20231 on 11-13-02

Susan Hess

Box Sequence  
Commissioner for Patents  
Washington, D.C. 20231

Sir:

In the above-identified application, Applicants have received a Notice to Comply with Requirements for Patent Applications mailed October 29, 2002, indicating that the application did not include the sequence list under 37 C.F.R. 1.821-1.825.

Applicants hereby confirm that a Supplemental Preliminary Amendment, Sequence List and Disk were hand delivered to the U.S. Patent Office on April 23, 2002, which complied with the requirements under 37 C.F.R. 1.821-1.825, prior to receiving the Notice to Comply With Requirements. A copy of the postcard stamped received by Tech Center 1700 on April 23, 2002 is also enclosed. According to this Notice to Comply mailed October 29, 2002, the Group Art Unit has changed from 1743 to 1641.

Pursuant to a telephone conference with Examiner Lisa Cook, Applicants hereby attach photocopies of the originally filed Transmittal Letter, Supplemental Preliminary Amendment, and postcard indicating that these materials had been received by the U.S. Patent Office on April 23, 2002. These papers are being resubmitted for filing at this time because the originally filed materials cannot be located at the U.S. Patent and Trademark Office.

Applicants are submitting herewith a new separate paper copy in compliance with 37 C.F.R. §1.821(c) and an electronic form of the sequence listing in compliance with 37 C.F.R. §1.821(e).

Applicants also submit herewith a copy of the Notice To Comply With Requirements for Patent Applications mailed October 29, 2002.

Should the Supplemental Preliminary Amendment, Sequence List and Disk not be found fully in compliance with all requirements, Applicants respectfully request prompt notice by telephone in order to accomplish expeditious correction within the term allotted.

Applicants have now complied with the requirements for patent applications containing nucleotide sequence and/or amino acid sequence disclosures. A separate paper copy and an electronic form of the sequence listing are attached hereto. The information recorded in computer readable form is identical to the written sequence listing, neither of which contain new matter. In response to the Notice to Comply with Requirements dated October 29, 2002, Applicants submit the application complies with the requirements under 37 C.F.R. §1.821-1.825.

Date: 11/12/2002

Respectfully submitted,

By: Ferris H. Lander

Ferris H. Lander  
Registration No. 43,377  
McHale & Slavin, P.A.  
4440 PGA Boulevard, Suite 402  
Palm Beach Gardens, FL 33410  
Telephone: (561) 625-6575



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, DC 20231  
www.uspto.gov

APPLICATION NO./CONTROL NO. <b>09/845,738</b>	FILING DATE <b>4/30/01</b>	FIRST NAMED INVENTOR /PATENT IN REEXAMINATION <b>Jackowski et al.</b>	ATTORNEY DOCKET NO. <b>2132.040</b>
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EXAMINER
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**Lisa V. Cook**

ART UNIT	PAPER
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DATE MAILED:

**NOV 22 2002****TECH CENTER 1600/2900**

Please find below and/or attached an Office communication concerning this application or proceeding.

## Commissioner of Patents

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 C.F.R. § 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 C.F.R. §§ 1.821-1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures. Applicant must comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825) before the application can be examined under 35 U.S.C. §§ 131 and 132.

APPLICANT IS GIVEN ONE MONTH FROM THE DATE OF THIS LETTER WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 C.F.R. §§ 1.821-1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 C.F.R. § 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 C.F.R. § 1.136. In no case may an applicant extend the period for response beyond the one month statutory period. Direct the response to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the response.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Lisa V. Daniels-Cook**, whose telephone number is (703)-305-0808.

CHRISTOPHER L. CHIN  
PRIMARY EXAMINER  
GROUP 1800/1641  
9/10/02



<b>Notice to Comply</b>	Application No. 09/845,738	Applicant(s) Jackowski et al.	
	Examiner Lisa V. Cook	Art Unit 1641	

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS  
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE  
DISCLOSURES**

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☒ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☒ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable from of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☒ 7. Other: sequences in the drawings and tables are not identified (ie. seq. id. no.1, 2, etc).

**Applicant Must Provide:**

- ☒ An initial or **substitute** computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or **substitute** paper copy of the "Sequence Listing", as well as an amendment directing its entry into the **specification**.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216 or (703) 308-2923

For CRF Submission Help, call (703) 308-4212

PatentIn Software Program Support

Technical Assistance.....703-287-0200

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**PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY**

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICANT : JACKOWSKI et al.  
INVENTION: : BIOPOLYMER MARKER INDICATIVE OF DISEASE  
STATE HAVING A MOLECULAR WEIGHT OF  
1562 DALTONS  
SERIAL NUMBER : 09/845,738  
FILING DATE : 04/30/01  
EXAMINER: : (not assigned yet)  
GROUP ART UNIT : 1743  
ATTORNEY DOCKET NO. : 2132.040

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TRANSMITTAL LETTER

Box Sequence  
U.S. Patent & Trademark Office  
P.O. Box 2327  
Arlington, VA 22202

Sir:

Please find enclosed for filing:

- ☒ Supplemental Preliminary Amendment
- ☒ Computer Readable Form Sequence Listing (paper copy-1 sheet)
- ☒ Computer Readable Form Sequence Listing (diskette).
- ☒ Please charge any deficiencies or credit any overpayment to Deposit Account No. 50-1803.

Date: 4/19/2002

Respectfully submitted,

By: Ferris H. Lander

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